EXHIBIT R

Confidential - Subject to Protective Order

Page 294

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

- - -

IN RE: ETHICON, INC. PELVIC :MDL NO. 2327

REPAIR SYSTEM, PRODUCTS

LIABILITY LITIGATION :VOLUME II

:

THIS DOCUMENT RELATES TO ALL CASES AND VARIOUS OTHER CROSS-NOTICED ACTIONS

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

January 8, 2014

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Transcript of the continued deposition of THOMAS A. BARBOLT, Ph.D., called for Videotaped Examination in the above-captioned matter, said deposition taken pursuant to Superior Court Rules of Practice and Procedure by and before Michelle L. Gray, a Certified Court Reporter, Registered Professional Reporter, and Notary Public, at the offices of Riker Danzig Scherer Hyland & Perretti LLP, Headquarters Plaza, One Speedwell Avenue, Morristown, New Jersey, commencing at 9:07 a.m.

GOLKOW TECHNOLOGIES, INC. 877.370.3377 ph | 917.951.5672 fax deps@golkow.com

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1	Page 407		Page 409
1	BY MR. THORNBURGH:	1	BY MR. THORNBURGH:
2	Q. IR spectra showed possible evidence	2	Q. And that's Ethicon's position as
3	of slight oxidation, correct?	3	you as the spokesperson for Ethicon, it's
4	A. Yes.	4	Ethicon's position that degradation, surface
5	Q. Okay. Now, there's also an	5	degradation, can occur, correct?
6	observation regarding the other Ethilon and Novofil,	6	MR. THOMAS: Object to the form of
7	which differed from uncracked areas. And the	7	the question.
8	conclusion was, expected IR absorbances for	8	THE WITNESS: Yes.
9	oxidation would be masked by strong carbonyl	9	BY MR. THORNBURGH:
10	absorbances normally observed in these sutures.	10	Q. And this was known well in advance of
11	So there's a discussion here that	11	this statement that the material is not absorbed,
12	of the what would be expected to be seen could be	12	nor is it subject to degradation, correct?
13	masked by strong carbonyl absorbances. Do you see	13	A. Yes. This is from 1992.
14	that?	14	MR. THORNBURGH: Okay. Lunch break.
15	MR. THOMAS: Object to the form of	15	THE VIDEOGRAPHER: We're now going
16	the question.	16	off the video record. It's 11:48.
17	THE WITNESS: Yes.	17	(Lunch break.)
18	BY MR. THORNBURGH:	18	THE VIDEOGRAPHER: We're back on the
19	Q. And at the seven-year data, Ethicon's	19	video record. It's now 12:43.
20	investigator found degradation in Prolene is still	20	BY MR. THORNBURGH:
21	increasing in PVDF even though a few cracks were	21	Q. Now, Doctor, I'd like to turn your
22	found, is still by far the most surface resistant	22	attention back to the e-mail that we began to
23	in-house made suture in terms of cracking.	23	discuss earlier in your deposition, Exhibit
24	That's the findings by Ethicon's	24	Number T 4012.
25	investigator, right?	25	(Whereupon, a discussion was held off
	Page 408		Page 410
1	. **		
1	A. Yes.	1	the record.)
2	Q. An employee for Ethicon who actually	1 2	the record.) THE WITNESS: Okay.
2 3			· ·
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3	Q. An employee for Ethicon who actually investigated degradation of Prolene sutures and came to the conclusion that degradation is occurring in Prolene, right?	2 3 4 5	THE WITNESS: Okay. BY MR. THORNBURGH: Q. Now, this e-mail MR. THOMAS: Give me just a half a
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30 (Pages 407 to 410)